



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

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Attorney General

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June 17, 2005

Robert A. Nebiker
Director
Virginia Department of Health Professions
6603 West Broad Street
Richmond, VA 23230-171.2

RE: 18VAC76-20-10 et seq. Regulations Governing the Prescription Monitoring Program

Dear Mr. Nebiker:

I have reviewed the Emergency Regulations, as cited above, in accordance with the Administrative Process Act. The amended regulations are constitutional and in conformity with statutory provisions of Chapters 637 and 678 of the 2005 Acts of the Assembly, which expanded the scope of the Prescription Monitoring Program to include additional schedules of controlled substances and additional reporting and access to information to authorized entities.

The "emergency situation" which exists is specified in §2.2-4011 of the Code of Virginia as one in which the agency is required by statutory law to have a regulation in effect within 280 days from the enactment of the law. Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate this emergency regulation in accordance with the requirements of the Administrative Process Act.

Sincerely,

A handwritten signature in blue ink, appearing to read "Howard M. Casway".

Howard M. Casway
Assistant Attorney General

c: Elaine J. Yeatts, Agency Regulatory Coordinator
Department of Health Professions